

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE:

**Charles E Grigsby, Jr
April G Grigsby**

CHAPTER 13

CASE NO. 08-50104-RWK-13

Debtor(s)

**ORDER DIRECTING PAYMENT OF FUNDS TO CHAPTER 13 TRUSTEE AND PROVIDING
FOR TEMPORARY SUSPENSION OF WAGE DEDUCTION**

The above-named Debtor(s) filed a Chapter 13 petition on February 8, 2008, hereupon subjecting all wages and property of the Debtor(s) wheresoever situated, while this case is pending, to the jurisdiction of this Court.

This Court last entered an Order on June 16, 2008 requiring the Debtor's(s)' employer to deduct from the Debtor's(s)' wages \$242.24/semi-monthly through September 8, 2010 and \$570.45/semi-monthly thereafter, to be paid to the Trustee pursuant to the Debtor(s)' Chapter 13 Plan. Said payments were suspended from June 16, 2008 to July 16, 2008.

The Debtor(s) have had a change in circumstances such that they have filed, or will file within 30 days of the date on which this Order is entered, a modified Chapter 13 Plan (the "Proposed Modified Plan") that proposes to SUSPEND the Debtor(s)' payments to be paid to the Trustee from February 25, 2009 until July 1, 2009.

WHEREFORE, the Debtor(s) request that the Order requiring wage deduction be amended to SUSPEND AND CEASE said wage deduction immediately, albeit temporarily, in conformance with the Proposed Modified Plan. The Debtor(s) understand that should their Proposed Modified Plan not be confirmed by this Court, the Debtor(s) will need to address any default in plan payments that may result from suspending their wage deduction through this Order.

Pursuant to 11 U.S.C. Section 1326(a)(1), and with the consent of the Chapter 13 Trustee, it is therefore hereby

ORDERED

That Charles E Grigsby, Jr and April G Grigsby, are hereby directed to **SUSPEND AND CEASE IMMEDIATELY THE DEBTOR'S CHAPTER 13 PAYMENT** as of the date of this Order and then resume the Chapter 13 payments commencing with the first pay period after July 1, 2009, by withholding and paying to the duly appointed Trustee, HERBERT L. BESKIN, TRUSTEE, P. O. BOX 1961, MEMPHIS, TENNESSEE 38101-1961, (434) 817-9913, the sum of \$242.24/semi-monthly through September 8, 2010 and \$570.45/semi-monthly thereafter.

It shall be the responsibility of the Debtor, and not the Trustee, to insure that (i) this suspension of payments Order is sent to the Debtor's employer and implemented, and (ii) the automatic wage deduction of the Debtor's wages is recommenced by the employer on the correct date. The Trustee shall have no responsibility during the period of suspension either to (i) monitor or identify payments incorrectly made by the Debtor's employer to the Trustee, or (ii) refund to the Debtor any such incorrectly sent payments.

Once the wage deduction resumes, the employer is directed to withhold said sum from the Debtor's wages, after deducting such amounts as are necessary to pay federal and state income tax withholding, social security taxes, pensions, hospitalization, retirement funds, and union dues, if any, and forward said sum to the Trustee. The sum may be accumulated and remitted monthly to the Trustee, all pursuant to 11 U.S.C. Section 1325(b).

Copies of this order are directed to be mailed to the Debtor(s), to counsel for the Debtor(s), to the Trustee, and to the Debtor's employer.

Dated: May 7, 2009

I ask for this:

/s/ Herbert L. Beskin
Herbert Beskin, Chapter 13 Trustee

Ross W. Krumm

U.S. Bankruptcy Judge

